

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL RICARDO MARTIN,)
)
Petitioner,)
)
v.) No. 3:08-0863
) Judge Campbell
STATE OF TENNESSEE,)
)
Respondent.)

O R D E R

The petitioner, proceeding *pro se*, brings this action seeking federal *habeas corpus* relief under 28 U.S.C. § 2254. The petitioner is an inmate at the Turney Center Industrial Prison in Only, Tennessee.

Under Rule 4, Rules – Section 2254 Cases, the Court is required to examine § 2254 petitions to ascertain as a preliminary matter whether “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.” If on the face of the petition it appears that the petitioner is not entitled to *habeas corpus* relief, then the “the judge must dismiss the petition . . .” *Id.*

As provided in the Memorandum entered contemporaneously herewith, the petition is **DENIED**, and this action is **DISMISSED**. Rule 4, Rules – Section 2254 Cases. Should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will **NOT** issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right. *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002)(citing *Lyons v. Ohio Adult Parole*

Auth., 105 F.3d 1063, 1072 (6th Cir. 1997) and *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001)).

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

Todd Campbell
Todd Campbell
United States District Judge